



**Peggy
Livingston/ENF/R8/US
EPA/US**

05/01/2007 04:13 PM

To Bret Randall <randall@chapman.com>
cc Mark.Elmer@usdoj.gov, Maureen
OReilly/ENF/R8/USEPA/US@EPA, Kathryn
Hernandez/EPR/R8/USEPA/US@EPA

bcc

Subject Re: Richardson Flat RD/RA CD Appendices

Bret & Kevin:

Thank you for forwarding updated appendices. On two of them, I've made some minor changes. In #2 of Appendix F, "that" should be "but." In #5 of Appendices D and F, the to-be-filed complaint will seek injunctive relief and future costs, not past costs. In Appendix F, there are some references to "Settling Defendant," which must be language from the CD itself, but in the grant of easement, it seems to make more sense to say instead "United Park." Also in Appendix F, the term "Property" is defined but "Site" is not, so I changed "Site" to "Property." I thought I had mentioned at least some of these changes to you in a voice mail in March but perhaps that didn't go through. Here are the revised copies of the appendices, along with how they compare to what you emailed me. We haven't doublechecked the description of the 258.10-acre parcel but hope to do so soon.



appendixdpeggy.doc compareappendixdpltobr.doc appendixfpeggy.doc



compareappendixfpltobr.doc

On the CD itself, DOJ caught a few minor errors, which we've corrected. One is that in the definition of "Future Response Costs," the date March 1 should be March 2. The other was an extraneous "the" in paragraph 18.

These changes are all pretty minor, and I don't anticipate that they'll be a problem. We're going to be circulating the revised version for concurrences. Thank you for your assistance.

Peggy Livingston
Enforcement Attorney
1595 Wynkoop Street
Denver, CO 80202-1129
303-312-6858 (phone)
303-312-7202 (fax)

Please note new street address and fax number.

Bret Randall <randall@chapman.com>



**Bret Randall
<randall@chapman.com
>**

04/26/2007 04:56 PM

To Peggy Livingston/ENF/R8/USEPA/US@EPA
cc Kevin R Murray <kmurray@chapman.com>, Patrick S
Malone <pmalone@chapman.com>, Mark Elmer
<Mark.Elmer@usdoj.gov>, Kerry Gee



<kcgee@unitedpark.com>
Subject Richardson Flat RD/RA CD Appendices

Peggy:

Here are the revised appendices (D, E, F), including the legal descriptions.

Regards,

Bret



2217022.01.04.doc 2217026.01.05.doc 2217028.01.05.doc

Bret F. Randall
Chapman and Cutler LLP
201 South Main, Suite 2000
Salt Lake City, Utah 84111
Direct: 801-320-6755
Fax: 801-359-8256
randall@chapman.com

APPENDIX D

WHEN RECORDED MAIL TO:

Kevin R Murray, Esq.
Chapman and Cutler LLP
201 South Main, Suite 2000
Salt Lake City, UT 84111

Parcel Nos.

NOTICE OF CONSENT DECREE

Pursuant to this Notice of Consent Decree, ("Notice"), United Park City Mines ("United Park"), a Delaware corporation and owner of certain real property located in Summit County, Utah, as further defined on Exhibit A attached hereto and incorporated herein by reference (the "Property"), hereby provides notice of the matters described herein to all subsequent owners, operators, and other persons who hereafter come to have any interest in the Property as described herein:

1. The Property was originally proposed for inclusion on the National Priorities List ("NPL") on June 24, 1988 but was removed from NPL consideration in February 1991.

2. The Property was re-proposed for the NPL on February 7, 1992 but no action has been taken with regard to this proposed listing.

3. United Park has performed various investigations and studies relating to environmental conditions associated with the Property.

4. The U.S. Environmental Protection Agency adopted on July 6, 2005 a final Record of Decision ("ROD") requiring that certain remedial actions be implemented at the Property.

5. The United States, on behalf of the Administrator of the EPA, filed a complaint in the United States District Court for the District of Utah against United Park (United States of America v. United Park City Mines Company, Civil No. _____) alleging that United Park is a liable party pursuant to Sections 106 and 107 of CERCLA, 42 U.S.C. §§ 9606 and 9607, and seeking *inter alia*, injunctive relief and compensation for its future response costs associated with the Property (the "Litigation").

6. United Park entered into a certain Consent Decree to settle the claims brought in the Litigation, which Consent Decree approved and entered by the Court on _____, _____, 2007 in the Litigation.

7. Pursuant to the Consent Decree, United Park has agreed, among other things, to undertake, perform, and finance certain response actions relating to the Property.

8. Pursuant to the Consent Decree, United Park has agreed to provide the foregoing notice to successors-in-title to the Property.

DATED this ____ day of _____, 2007.

United Park City Mines Company

By: _____
[name]
[title]

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

The foregoing Notice and Easement was subscribed, sworn to and acknowledged before me this ____ day of _____, 2007 by _____, acting in his capacity as _____ of United Park City Mines Company, a Delaware corporation.

NOTARY PUBLIC

My commission expires:

Residing at:

EXHIBIT A

LEGAL DESCRIPTION

RICHARDSON FLAT - SITE PARCEL 1 JANUARY 23, 2002

A parcel of land located in the east half of Section 2 and Section 1, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

Beginning at a point South 00°44'33" East 2315.11 feet along section line and West 2124.91 feet from the northeast corner of Section 1, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 36°45'45" West 616.47 feet; thence South 77°35'22" West 605.69 feet; thence South 27°48'26" West 924.31 feet; thence North 82°38'01" West 1191.60 feet; thence South 49°29'05" West 912.70 feet to a point on the west line of Section 1; thence along section line North 00°34'37" East 241.07 feet; thence South 89°58'53" West 188.10 feet; thence North 19°56'15" West 2478.15 feet to a point on a 1482.41 foot radius curve to the right of which the radius point bears North 70°03'45" East; thence northwesterly along the arc of said curve 466.75 feet through a central angle of 18°02'25"; thence North 14°54'13" East 322.55 feet; thence North 24°31'36" East 280.95 feet; thence North 35°00'22" East 150.75 feet; thence North 30°16'10" East 171.57 feet; thence North 27°39'30" East 146.38 feet; thence North 31°42'44" East 163.77 feet to a point on the southerly right-of-way line of Highway U-189; thence along the southerly right-of-way line of Highway U-189 the following six (6) courses: 1) 853.85 feet along the arc of a 5829.58 foot radius curve to the left (chord bears South 71°03'34" East 853.09 feet) to a right-of-way monument; thence 2) 636.69 feet along the arc of a 5829.58 foot radius curve to the left (chord bears South 78°23'49" East 636.37 feet) to a right-of-way monument; thence 3) South 71°22'30" East 227.84 feet to a right-of-way monument; thence 4) South 81°31'35" East 700.17 feet to a right-of-way monument; thence 5) South 76°56'20" East 501.58 feet to a right-of-way monument; thence 6) South 81°29'38" East 39.69 feet; thence South 32°35'26" East 1843.40 feet to the point of beginning.

Description contains 258.10 acres, more or less.

APPENDIX D

WHEN RECORDED MAIL TO:

Kevin R Murray, Esq.
Chapman and Cutler LLP
201 South Main, Suite 2000
Salt Lake City, UT 84111

Parcel Nos.

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DATED this ____ day of _____, 2007.

United Park City Mines Company

By: _____
[name]
[title]

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

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NOTARY PUBLIC

My commission expires:

Residing at:

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Beginning at a point South 00°44'33" East 2315.11 feet along section line and West 2124.91 feet from the northeast corner of Section 1, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 36°45'45" West 616.47 feet; thence South 77°35'22" West 605.69 feet; thence South 27°48'26" West 924.31 feet; thence North 82°38'01" West 1191.60 feet; thence South 49°29'05" West 912.70 feet to a point on the west line of Section 1; thence along section line North 00°34'37" East 241.07 feet; thence South 89°58'53" West 188.10 feet; thence North 19°56'15" West 2478.15 feet to a point on a 1482.41 foot radius curve to the right of which the radius point bears North 70°03'45" East; thence northwesterly along the arc of said curve 466.75 feet through a central angle of 18°02'25"; thence North 14°54'13" East 322.55 feet; thence North 24°31'36" East 280.95 feet; thence North 35°00'22" East 150.75 feet; thence North 30°16'10" East 171.57 feet; thence North 27°39'30" East 146.38 feet; thence North 31°42'44" East 163.77 feet to a point on the southerly right-of-way line of Highway U-189; thence along the southerly right-of-way line of Highway U-189 the following six (6) courses: 1) 853.85 feet along the arc of a 5829.58 foot radius curve to the left (chord bears South 71°03'34" East 853.09 feet) to a right-of-way monument; thence 2) 636.69 feet along the arc of a 5829.58 foot radius curve to the left (chord bears South 78°23'49" East 636.37 feet) to a right-of-way monument; thence 3) South 71°22'30" East 227.84 feet to a right-of-way monument; thence 4) South 81°31'35" East 700.17 feet to a right-of-way monument; thence 5) South 76°56'20" East 501.58 feet to a right-of-way monument; thence 6) South 81°29'38" East 39.69 feet; thence South 32°35'26" East 1843.40 feet to the point of beginning.

Description contains 258.10 acres, more or less.

APPENDIX F

WHEN RECORDED MAIL TO:

Kevin R Murray, Esq.
Chapman and Cutler LLP
201 South Main, Suite 2000
Salt Lake City, UT 84111

Parcel Nos.

GRANT OF EASEMENT

Pursuant to this Grant of Environmental Easement ("Easement"), United Park City Mines ("United Park"), a Delaware corporation and owner of certain real property located in Summit County, Utah, as further defined on Exhibit A attached hereto and incorporated herein by reference (the "Property"), hereby grants to the United States of America ("United States") acting through the United States Environmental Protection Agency ("EPA") and the State of Utah acting through the Department of Environmental Quality ("UDEQ") an easement pertaining to the Property pursuant to the terms and conditions described herein.

RECITALS

1. The Property was originally proposed for inclusion on the National Priorities List ("NPL") on June 24, 1988 but was removed from NPL consideration in February 1991;
2. The Property was re-proposed for the NPL on February 7, 1992 but no action has been taken with regard to this proposed listing;
3. United Park has performed various investigations and studies relating to environmental conditions associated with the Property;
4. The U.S. Environmental Protection Agency adopted on July 6, 2005 a final Record of Decision ("ROD") requiring that certain remedial actions be implemented at the Property;
5. The United States, on behalf of the Administrator of the EPA, filed a complaint in the United States District Court for the District of Utah against United Park (United States of America v. United Park City Mines Company, Civil No. _____) alleging that United Park is a liable party pursuant to Sections 106 and 107 of CERCLA, 42 U.S.C. §§ 9606 and 9607, and seeking *inter alia*, injunctive relief and compensation for its future response costs associated with the Property (the "Litigation");
6. United Park entered into a certain Consent Decree to settle the claims brought in the Litigation, which Consent Decree approved and entered by the Court on _____, _____, 2007 in the Litigation;

7. Pursuant to the Consent Decree, United Park has agreed, among other things, to undertake, perform, and finance certain response actions relating to the Property;

8. Pursuant to the Consent Decree, United Park has agreed to provide certain access to the Property to EPA and UDEQ as provided herein.

NOW, THEREFORE, United Park hereby grants an easement to the United States and the State of Utah, and their representatives (including contractors), for access at all reasonable times to the Property for the purpose of conducting any activity related to the Consent Decree including, but not limited to, the following activities as further described and defined in the Consent Decree:

- i) Monitoring the Work;
- ii) Verifying any data or information submitted to the United States;
- iii) Conducting investigations relating to contamination at or near the Property;
- iv) Obtaining samples;
- v) Assessing the need for, planning, or implementing additional response actions at or near the Property;
- vi) Assessing implementation of quality assurance and quality control practices as defined in the approved Quality Assurance Project Plans;
- vii) Implementing the Work pursuant to the conditions set forth in Paragraph 85 of the Consent Decree;
- viii) Inspecting and copying records, operating logs, contracts, or other documents maintained or generated by United Park or its agents, consistent with Section XXIV of the Consent Decree;
- ix) Assessing United Park's compliance with the Consent Decree; and
- x) Determining whether the Property or other property is being used in a manner that is prohibited or restricted, or that may need to be prohibited or restricted, by or pursuant to the Consent Decree.

This Easement shall run with the land and shall be binding upon United Park and its successors and assigns and shall inure to the benefit of the United States and the State of Utah.

DATED this ____ day of _____, 2007.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

United Park City Mines Company

By: _____
[name]
[title]

STATE OF UTAH)
) ss.
COUNTY OF SUMMIT)

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DATED this ____ day of _____, 2007.

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